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10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA**

13 Case No.: 2:18-cr-00276-JAD-EJY

14 Plaintiff,

15 vs.

16 **VERNELL MARSHALL,**

17 **Defendant.**

18 **Stipulation and Order to Continue
19 Sentencing
20 (Second Request)**

21 IT IS HEREBY STIPULATED AND AGREED, by and between JASON M. FRIERSON,
22 United States Attorney, and BRIAN WHANG, ESQ., Assistant United States Attorney,
23 counsel for the United States of America, and JOSHUA TOMSHECK, ESQ., counsel for
24 Defendant VERNELL MARSHALL, that the Sentencing and Disposition currently scheduled
25 for March 13, 2023 at 11:00 a.m. be continued until March 17, 2023 or to a date convenient for
26 the Court, preferably a Friday.

27 This stipulation is entered into for the following reasons:

28

1. This is the second Sentencing and Disposition continuance request.
2. Counsel for the Defendant has a scheduling conflict and will be out of the jurisdiction making him unavailable for the current setting.
3. Counsel for Defendant is set to begin a multi-Defendant Federal Trial before Judge Gloria Navarro on March 20, 2023 and is expected to last for 4-6 weeks, with no

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1 sessions on Fridays. Therefore, counsel would be available on any Friday setting
2 during that time period.

3 4. The parties agree to the continuance.
4 5. The defendant is in custody and does not object to this continuance.
5 6. Additionally, denial of this request for continuance could result in a miscarriage
6 of justice.
7 7. For the above stated reasons, the parties agree that a continuance of the Sentencing
8 and Disposition would best serve the ends of justice in this case.

9
10 DATED this 9th day of March, 2023.

11
12 Respectfully submitted,

13
14 HOFLAND & TOMSHECK

15
16 /s/ Joshua Tomsheck
17 JOSHUA TOMSHECK, ESQ.
18 Counsel for Defendant
19 VERNELL MARSHALL

20 JASON M. FRIERSON
21 United States Attorney

22 /s/ Brian Whang
23 BRIAN WHANG, ESQ.
24 Assistant United States Attorney

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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA

14 Case No.: 2:18-cr-00276-JAD-EJY

15 Plaintiff,

16 vs.
17 VERNELL MARSHALL,
18 Defendant.

19 Stipulation and Order to Continue
20 Sentencing
21 (Second Request)

22 **FINDINGS OF FACT**

23 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
24 Court finds that:

25

- 26 1. This is the second Sentencing and Disposition continuance request.
- 27 2. Counsel for the Defendant has a scheduling conflict and will be out of the
28 jurisdiction making him unavailable for the current setting.
- 29 3. Counsel for Defendant is set to begin a multi-Defendant Federal Trial before Judge
30 Gloria Navarro on March 20, 2023 and is expected to last for 4-6 weeks, with no
31 sessions on Fridays. Therefore, counsel would be available on any Friday setting
32 during that time period.
- 33 4. The parties agree to the continuance.
- 34 5. The defendant is in custody and does not object to this continuance.

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1 6. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice.

3 7. For the above stated reasons, the parties agree that a continuance of the Sentencing
4 and Disposition would best serve the ends of justice in this case.

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7 **ORDER**

8 IT IS HEREBY ORDERED, that Sentencing and Disposition currently scheduled
9 for March 13, 2023 at 11:00 a.m. be continued to March 31, 2023, at 2:00 p.m.

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12 DATED this 9th day of March, 2023.

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15 
UNITED STATES DISTRICT JUDGE

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17 Respectfully Submitted By:

18 _____
19 /s/ *Joshua Tomsheck*
20 Joshua Tomsheck, Esq.
21 Nevada Bar No. 009210
22 Attorney for Defendant

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